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I have long been interested in various passages in the Latin commonly read by way of preparation for College which do not seem to be adequately explained in the current editions.

One such passage is Cicero Cat. 1.2-3:

An vero vir amplissimus, P. Scipio, pontifex maximus, Ti. Gracchus mediocriter labefactantem statum rei publicae privatus interfecit, Catilinam orbem terrae caede atque incendiis vastare cupientem nos consules perferemus?

First of all, I would have the reader note that I have set a comma after *interfecit*, instead of the semicolon or the colon shown in our texts. Next, let the reader, if he knows any Greek, recall the familiar *μέν . . . δέ* combination. He will then see at once that a passage which, as usually pointed and explained, is difficult, is in reality very simple. We may translate as follows:

Did in truth that great man, Publius Scipio, when pontifex maximus, though he held no (civil) office, kill Tiberius Gracchus, who was only slightly disturbing the balance of our commonwealth, (and) shall we, though we are consuls, brook Catiline, who has set his heart on destroying with fire and sword the wide, wide world?

Since the words *vir amplissimus. . . interfecit* voice a well known fact, it follows that, in a strictly *logical* interpretation of this sentence, the only true question contained within it is, of course, *Catilinam . . . perferemus?* This part of the sentence, then, and this alone, in strict *logic*, *an* can and does introduce. Therefore, even if we stick to logic alone, we see that to point with a semicolon or colon after *interfecit* is to destroy, hopelessly, the integrity of the sentence. But it is easy enough, in rhetorical writing or speaking, and at the same time most effective to question the actuality of a well known fact. A good example of this is afforded by Juno's words in Aeneid 1.39-41:

Pallasne exurere classon  
Argivom atque ipsos potuit submergere ponto  
unius ob noxam et furias Aiakis Oilei?

It may be noted here that Juno answers her own rhetorical question by reciting in full the facts, in 42-58. Verses 39-48 thus lead up most effectively to the impassioned outburst (49-50):

Et quisquam numen Iunonis adorat  
praeterea aut supplex aris inponit honorem?

Following the form used by Cicero in the passage under discussion, we may sum up Aeneid 1.39-49

by writing (though the result would, I grant, be awkward):

An Pallas quidem classem Argivom exurere potuit . . . ego autem frustra una cum gente tot annos bello gero, quisquam numen Iunonis adorat praeterea aut supplex aris inponit honorem? 'Was Pallas so mighty, I so feeble, (and) does any one. . . ?' i.e. 'Though Pallas was so mighty, I so feeble, does any one. . . ?'

We see, then, that in our Ciceronian passage, considered from the point of view of *rhetoric*, *an* introduces really *all* the words of the sentence. We note, finally, what effective instruments of expression the Greeks had in *μέν* and *δέ*.

Similar is Cicero Pomp. 58:

An C. Falcidius, Q. Metellus, Q. Caelius Latiniensis, Cn. Lentulus, quos omnis honoris causa nomino, cum tribuni plebi fuissent, anno proximo legati esse potuerunt, in uno Gabinius sunt tam diligentes qui in hoc bello, quod Lege Gabinia geritur, in hoc imperatore atque exercitu, quem per vos ipse constituit, etiam praecipuo ure esse debebat?

Could Gaius Falcidius, Quintus Metellus, Quintus Caelius Latiniensis, all of whom I name only to honor them, could these men, I ask, be *legati* the year after they had been tribunes of the people (i.e. would they allow all these men to become *legati*, etc.), (and) are so they so painstaking in the case of Gabinius alone, a man who, in this war, which is being waged in accordance with the Lex Gabinia, in connection with the present general-in-chief and his army, . . . ought to have even extraordinary privileges?

An even more interesting example is Pro Archia 30:

An statuas et imagines, non animorum simulacula, sed corporum studiose multi summi homines reliquerunt, consiliorum relinquerunt ac virtutum nostrarum effigiem nonne multo malle debemus, summis ingenii expressam et politam?

Did many men of the first rank take pains to leave behind them statues and portraits, counterfeit presentations, not of their souls but of their bodies, (and) are we not in duty bound to be far keener to leave behind us likenesses of our minds (what we did) and of our merits (what we were)?

In this passage so excellent a critic as Professor James Reid, in his fine edition of the Pro Archia (Pitt Press Series. Cambridge University Press, 1891) sets a colon after *reliquerunt*, and in his Notes writes as follows:

The *an* is really out of place when the first branch of the sentence merely states categorically an admitted fact; it has passed into this form of the sentence from that form in which both the branches contained interrogations.

That this comment is incorrect has been shown, I hope, in the discussion above of Cicero Cat. 1.2-3. For Cicero's purposes, at the moment, *An status*. . . *reliquerunt* is not an admitted fact. He cannot, or rather will not, for the moment, think of that fact by itself. He will think of it only in connection with the latter part of his sentence. The two parts of the sentence must stand or fall together; they must be simultaneously true or simultaneously false (compare Meissner's note on Cicero Tusc. 1.31 Ergo. . . non seret, discussed at the end of this paper). It is a pity that Latin had nothing comparable to *μήν* and *δέ*, but it is a greater pity, by wrong punctuation and wrong interpretation, to make Latin seem weaker, in any given connection, than it in fact is.

Professor Reid remarks further that the form in the sentence in the Pro Archia "is a little irregular, since *non*, not *nonne* (after the preceding *an*), ought to stand in the second branch, as in Tusc. v 42 and 104". In Tusc. 5.42 we have:

An Lacedaemonii Philippo minitante per litteras se omnia quae conarentur prohibitum quae siverunt num' se esset etiam mori prohibitus, vir is quem quaerimus non multo facilius tali animo reperietur quam civitas universa?

Did the Lacedaemonians, in answer to Philip's threat that he would thwart their every effort, ask him if he would prevent them from dying too, (and) shall the man who is the object of our quest not be found to have the same temper as a whole nation?

Now, in the examples of this idiom, where the second member is negative, the negative seems regularly to be *non*, not *nonne*. But I can think of no reason why, either here or in Pro Archia, the negative *ought* to be *non* in the second member of the sentence. I can see, readily enough, why Cicero does in fact write *non*, not *nonne*, when I recall that *non* is common enough in questions in passages in which there is real or simulated emotion. Every one will at once recall Cat. 1.1 Patere tua consilia non sentis? constrictam omnium horum scientia teneri tuam non vides?

On Tusc. 5.42 Klotz, giving no heed whatever to whether the second member of such *an*-questions as we are discussing is affirmative or negative, cited various examples of the construction, besides the passages considered above. One example (referred to also by Reid: see above) is Cicero Tusc. 5.104:

An tibicines iique qui fidibus utuntur suo, non multitudinis arbitrio, cantus numerosque moderantur, vir sapiens, multo arte maiore praeditus, non quid verissimum sit, sed quid velit vulgus exquirat?

Do flute-players and masters of stringed instruments manage their strains and rhythms at their own discretion, not at that of the mob, (and) shall the wise man, master of a far nobler art, ask not what is right but what the rabble wants?

Now, as we saw above, Reid cites this passage as proof that, in the second member of the sort of question

<sup>1</sup>This is one of the many examples which make me question the oft-made statement that *num* in a dependent question conveys no hint that a negative answer is expected. This I hope to discuss later.

we are considering, the negative should be *non*, not *nonne*. This example, however, does not contain a negative at all—at least, in the sense in which Reid thought there was a negative here! In both members we have the familiar *non*. . . *sed*. But *non*. . . *sed*, *non modo*. . . *sed etiam* are affirmative, on the whole, not negative at all. It is this fact which vitiates so many comments on the familiar passages, Cicero Cat. 1.23 infer patriae bellum, exulta impio latrocino, ut a me non electus ad alienos, sed invitatus ad tuos esse videaris, and 1.27 Tune cum . . . exire patiere, ut abs te non emissus ex urbe, sed immisus in urbem esse videatur? Here the movement in the subjunctive clause is affirmative, not negative at all, and hence neither of these clauses may rightly be cited, as the first is in more than one good Latin Grammar, as an example of *non* for *ne* in a purpose clause (see my discussion of this point in THE CLASSICAL WEEKLY 2.185, 3.49).

In Pro Balbo 54 we have an interesting passage:

An lingua et ingenio patefieri aditus ad civitatem potuit, manu et virtute non potuit? Anne de nobis trahere spolia foederatis licebat, de hostibus non licebat? an quod adipisci poterant dicendo, id eis pugnando adsequi non licebat? an accusatori maiores nostri maiora praemia quam bellatori esse voluerunt?

Here, we may note, Professor Reid points as I have above—not as he did in the Pro Archia passage: yet his only comment on the form of the sentence here is a reference to his note on the Archias passage. But that note will hardly apply, at least so far as the negative is concerned, for in this passage the negatives belong very closely indeed with their respective verbs. With this in mind, I should venture this rendering:

Could an avenue to citizenship be fashioned by powers of speech and thought, (and, but) not by deeds of prowess and courage? (or, better, was it possible to fashion an avenue . . . [and, but] impossible to fashion one by . . . ?) Was it permissible for men of allied states to take spoils from us, (and, but) forbidden to take them from the foe? Were they forbidden to win by fighting, what they had the power to win by speech? Did our forebears wish a prosecutor to have larger rewards than a warrior (might win)?<sup>2</sup>

In Cicero De Finibus 1.72 we have perhaps the most interesting passage of all. It runs as follows:

An ille tempus aut in poetis evolvendis, ut ego et Triarius te hortatore facimus, consumeret, in quibus nulla solida utilitas omnisque puerilis est delectatio, aut se, ut Plato, in musicis, geometria, numeris, astris contereret, quae et a falsis initii profecta vera esse non possunt et, si possent vera, nihil afferent, quo iucundius, id est melius, viveremus, eas ergo artes persequeretur, vivendi artem tantam tamque operosam et perinde fructuosam relinquaret?

After copying the passage, as above, I looked at Reid's translation, which I quote in full:

Was he the man to spend his time in conning poets as I and Triarius do on your advice, when they afford no substantial benefit, and all the enjoyment they give

<sup>2</sup>Another point worth noting in this passage is *anne*: see Reid's note.

is childish in kind, or was he the man to waste himself, like Plato, upon music, geometry, mathematics and astronomy, which not only start from false assumptions and so cannot be true, but if they were true would not aid us one whit towards living a more agreeable, that is a better life; was he, I ask, the man to pursue those arts and thrust behind him the art of living, an art of such moment, so laborious too, and correspondingly rich in fruit?

How could the man who translated so well in 1883 write such an unsatisfactory commentary and punctuate so badly in his edition of the *Pro Archia* in 1891?

A study of the passages quoted in this paper will show how thoroughly the Romans—Cicero at least—were masters of this highly effective bit of rhetoric. As evidences of that mastery we may recapitulate here the use of *non* or *nonne* in the second member, in varying ways, the setting of at least three sentences of this type side by side in *Pro Balbo* 54 (with the separation of two of them by *anne*), the use of *non*. . . . *sed* in both members, in *Tusc.* 5. 104, the varying tenses in different examples, and, finally, the use of even the conditional subjunctive in *De Finibus* 1.72 (with the resumption there of the whole first member through *ergo*).

The passage cited above from the *De Finibus*, ending as it does with a resumptive *ergo*-clause, which gathers up and repeats the contents of the *an*-clause, makes one think of such a passage as Cicero *Tusc.* 1.31:

Ergo arbore seret diligens agricola, quarum adspiciet bacam ipse numquam, vir magnus leges, instituta, rem publicam non seret?

Is, then, the thrifty husbandman to plant trees whose fruit he will never himself see, (and) the great man not to plant laws, institutions, the commonwealth?

Here for *ergo* we might substitute *an*. It is worth while to note that Meissner, who has a fine note on this idiom, puts a colon after *numquam*. C. K.

#### LEGISLATION AGAINST POLITICAL CLUBS DURING THE REPUBLIC<sup>1</sup>

The special object of the Lex Licinia De Sodaliciis was to put an end to the existence of political clubs. Unions of citizens for various purposes had been common almost from the foundation of the city. Trades-

<sup>1</sup>Bibliography:

Mommssen, *De Collegiis et Sodaliciis Romanorum*. Kiel, 1843.  
Cohn, *Zum Römischen Vereinswesen*. Berlin, 1873.  
Liebenam, *Zur Geschichte und Organisation des Römischen Vereinswesens*. Leipzig, 1890.  
Waltzing, *Étude historique sur les corporations professionnelles chez les Romains*. Louvain, 1895.  
Weismann, *De Divisoribus et Sequestribus, Ambitus apud Romanos Instrumentis*. Heidelberg, 1831.  
Pernice, *M. Antistius Labeo*. Halle, 1873.  
Labatut, *La corruption électorale chez les Romains*. Paris, 1876.  
De Marchi, *Il culto privato di Roma antica*. Milano, 1903.  
Bloch, *Le Praefectus Fabrum*. Louvain, 1905.  
Rein, *Criminalrecht*, 714–719.  
Zumpt, *Criminalrecht*, 11.2.367–404.  
Zumpt, *Criminalproces*, 545–547.  
Lange, *Alterthumer*, 1.716 ff.; 3.340.  
Mommssen, *Staatsrecht*, 3.1181, etc.  
Mommssen, *Strafrecht*, 872 ff.  
Marquardt, *Staatsverwaltung*, 3.134 ff.; 204.  
Greenidge, *Legal Procedure*, 448 ff.  
Strachan-Davidson, *Criminal Law*, 2.95–111.

unions, composed of the workmen in the different trades, were recognized in the time of the monarchy, and no effort was ever made to dissolve them, until they began to exert a political influence. Such unions were called collegia, and we hear of seven of them before the establishment of the Republic, which were under the protection of the State, if indeed the State did not take the initiative, as Plutarch intimates, in creating them. They included in their membership the workers in all the principal occupations in the city<sup>2</sup>. Persons holding the same office, as the pontiffs, the augurs, and the tribunes, formed collegia, and these also existed without criticism<sup>3</sup>. But in the last century of the Republic many of the collegia began to use their influence in a political way, and in the year 64 B. C. those that were thought to be inimical to the public welfare were all abolished. They were restored, however, by a measure proposed by Clodius, during his tribuneship in the year 58 B. C.<sup>4</sup>, with disastrous results to the regular working of the government.

Unions of a second kind, composed of the worshippers of some divinity, were called sodalites. We hear, for example, that a sodalitas of Mercuriales was created in 387 B. C., and that in 204, at the inauguration of the worship of the Mater Magna, a special sodalitas of those who superintended her worship was formed<sup>5</sup>. Gaius asserts that sodalites existed at the time of the XII Tables<sup>6</sup>, and some Roman scholars carried their foundation back as far as the age of Romulus<sup>7</sup>. With the introduction of new divinities their number constantly increased, and they were found in every part of the Empire. Ostensibly their chief function was to make offerings to a divinity at a particular temple, but perhaps the activity which created the most far-reaching consequences consisted in their holding banquets which fostered a close friendship among the members. Since their duties centered in a special shrine rather than in the worship of a divinity generally, they were sometimes called collegia templorum, but never collegia deorum<sup>8</sup>. All of these created a much stronger bond among their members than the ordinary collegia did. In many respects they are comparable to the lodges of the present day. They had a kind of insurance, extending to the education of the children of deceased sodales. In a public way they were of service to their members, for a sodalis would not take legal action against a member of his sodalitas, but would aid him in his legal difficulties. This close relationship was guarded against in certain prohibitory clauses in the legislation of C. Gracchus. In one of the laws passed during his tribunate it was

<sup>2</sup>Plutarch, *Numa* 17.

<sup>3</sup>Livy 1.20, 2.27; Pliny, N. H. 18.2.

<sup>4</sup>Cicero, *Sest.* 34.

<sup>5</sup>C. I. L. i<sup>1</sup>, page 206; Cicero, *Cato Maior* 45 (Cato is speaking): Sodalitates autem me quae stae constituta sunt, ancris Idaeis Magnae Matris acceptis. Epulabatur igitur cum sodalibus; Gellius 2. 24.2: Principes civitatis, qui iudicis Megalensibus antiquo ritu mutantur, id est mutua inter se convivia agitant; C. I. L. 6.494: Matre deum et navi Salviae Q. Nunnius Telephus mag[ister] collegii cultorum eius.

<sup>6</sup>Digest 47.22.4.

<sup>7</sup>Tuditanus ap. Macrobius 1.16.32.

<sup>8</sup>Digest 32.1.38.6.

ordered that in cases of extortion no man could act as counsel or juryman provided the defendant in the case were a member of his sodalitas or collegium<sup>10</sup>. In the last century of the Republic they used their influence as organizations in giving assistance to members in their candidacy for office<sup>11</sup>. This became so pronounced that many of them were abolished in 64, and others in 56 B. C.

But the Romans drew no sharp distinction between collegia and sodalitates. Thus Gaius says that sodales are those who belong to the same collegium<sup>12</sup>, and even unions of those engaged in a particular occupation were sometimes called sodalitates<sup>13</sup>. Probably the nearest distinction to which the Romans adhered, and they were not consistent even in this, was that the sodalitates had for their object the cultivation of the worship of a particular divinity, while the word collegium was a broader word, indicating no one object as against all others, but a union lasting for the period of the life of its members<sup>14</sup>. A sodalitas might be of short duration, but in general it was self-perpetuating, and lasted as long as the worship of a divinity lasted.

A third form of union, and this is the one which became especially pernicious, was the temporary club formed for the express purpose of accomplishing some political end, or ends. Livy mentions one of these that was created in the year 314 B. C. to exert an influence on the elections of that year<sup>15</sup>. They were usually only temporary organizations, having one definite object, and they probably disbanded as soon as that object was attained. They were a special kind of collegium, whose activity was almost, if not quite, confined to politics. Toward the end of the Republican period they became extremely numerous, formed as they were to meet some assumed emergency, such as a particularly close election, or some threatened legislation. Quintus Cicero says that his brother belonged to several<sup>16</sup>, and Marcus Cicero himself speaks of groups, which he calls factiones, each created for one object alone<sup>17</sup>. Dio Cassius calls the first triumvirate, composed of Caesar, Pompey and Crassus, a union of this kind<sup>18</sup>. The more influential and somewhat permanent of such political unions or clubs were put out of existence by the severity of Sulla's constitution. But that condition did not last long, for very shortly thereafter we hear of corruption, caused by these organizations, more open and thorough-going than before. The collegia of the more eminent men, such as the priestly organizations, and the sodalitates,

<sup>10</sup>The Lex Acilia, v. 10, declared that one could not be a patronus or iudex quae eius (i. e. reo) sobrinus siet proprie eum cognitione attigit queat eius sodalis siet queat in eodem collegio siet.

<sup>11</sup>Cicero, Verr. 2.1.94; Mur. 56; De Orat. 2.200.

<sup>12</sup>Digest 47.22.4: Sodales sunt, qui eiusdem collegii sunt, quam Graeci ἑταῖροι vocant.

<sup>13</sup>C. I. L. 6.9136 sodales aerarii; 9.5430 sodalicium fullonum. Compare Orelli, 4098, 4103.

<sup>14</sup>Marquardt, 3.137; Mommsen, Coll. 5; Cicero, Brut. 166; Pro Sull. 7; Lex Acil. C. I. L. 1.198, vv. 9-10.

<sup>15</sup>9.26. <sup>16</sup>De Pet. Cons. 5.10. <sup>17</sup>Ad Quintum Fratrem 3.1.15.

<sup>18</sup>37.37: συνφρονησάσται δὲ ἔξισιν καὶ τὰ ἑταῖρα σφύρας (compare 38.13) ἀμολθήσονται καὶ ἐπούσον καὶ οὐτοις μετὰ δέδεις θελον, ἡγεμόνισιν αὔτοῖς χρώμενοι.

gave systematic assistance to their members in winning elections. But even more corrupting than that was the readiness of the unions of artisans to sell their votes as organizations, and to cause violence in the conduct of elections. At the same time numerous organizations were created solely for the purpose of influencing public affairs, whether in elections or in legislation. These frequently took the name of collegia in order to conceal their real intentions<sup>19</sup>. These, Asconius says, received no public authorization, and were contrary to the welfare of the state<sup>20</sup>. It is doubtful whether there was any power in the Republic that could have checked their activity, or controlled their formation, for it is exceedingly probable that the majority of candidates for office endeavored regularly to increase their political influence, or win elections, by forming organizations, or illegally approaching those already formed. So long as officials were ready to form clubs, and the voters were ready to sell their votes to them, legislation against the clubs must of necessity be useless.

The recognized and long established collegia and sodalitates were placed in the category of juristic persons, at least to the extent that they could hold property and make contracts, provided they kept within the law as it applied to private citizens<sup>21</sup>. But the political clubs neither possessed, nor desired to possess, such privileges, for their wish was to conceal their influence, and even their existence. They commonly avoided the name of collegia, but were sometimes called sodalitates, or factiones, or still more frequently sodalicia<sup>22</sup>. It is a difficult question whether the names thus used applied to the common people, implying that they joined organizations, or was restricted to those men in higher positions who banded together to create organizations. The words are often used to denote only the men in higher positions, and apparently only the officers could be prosecuted for illegal acts, after there was legislation on the subject; so it seems that they alone were felt by the Romans to compose the temporary organizations, and there is no indication that the people who allowed themselves to be used in this way were regarded as guilty in any respect.

Another question which has been much debated is whether the various unions, collegia and sodalitates, required authorization or permission by the State in order that their existence might be legal. If the State

<sup>19</sup>Suetonius, Aug. 32: plurimas factiones titulo collegii novi ad nullius non facinoris societatem coibant. Compare Cicero, In Cornel. 66; Asconius in Orat. in Cornel. 67; Waltzing, 1.48.

<sup>20</sup>Asconius in Cornel. p. 73 (speaking of conditions in the year 65): frequenter tum etiam coetus factiosorum hominum sine publica auctoritate malo publico fiebant.

<sup>21</sup>Gaius, Digest 47.22.4: Sodalibus potestatem facit lex (XII tabulae) pactiorum quam velint sibi ferre, dum ne quid ex publica lege corrumpant; Digest 38.3.14: nisi publicum pactis privatorum mutari non posse.

<sup>22</sup>De Pet. Cons. 19; Cicero, Ad Q. Fr. 2.3.5; Planc. 36. 47; Frag. in Vat.: audacissimus de factione (*factio* = first triumvirate); Marcian, Digest 47.22.1 pr.: collegia sodalicia. From this expression of Marcian it is clear that the word sodalicia was an adjective, and signifies something that encouraged the close relationship of the sodalitates. But the combination used by Marcian does not occur in classical Latin.

demanded such authorization, then all organizations that did not seek and obtain it would be illegal from the outset. Or, if that was the case, it might be truer to say that the unrecognized organizations could not expect support from the State in the event of their wishing to enforce contracts, or legally take possession of property. It is thought, on the authority of Plutarch, that Numa was responsible for the creation of the first organizations of artisans. They seem to have been under the protection of the State during the whole period of the kings. It is said that Tarquinus Superbus forbade religious associations both in the city and in the country districts, on account of their attempted interference in politics, but there is nothing to show that he in any way endeavored to restrict either the formation or the continued existence of the collegia of artisans. Nor is there proof of the enactment of any law during the Republican period restricting the existence or activity of associations, until the last years before the civil wars. Two laws were cited by Porcius Latro as bearing on the subject, but they cannot be considered relevant to it. He cites the XII Tables, to the effect that meetings by night were forbidden, and the Gabinian Law, that no secret gatherings should be held in the city<sup>22</sup>. Nor does the law cited by Gaius from the XII Tables indicate that there was any necessity for authorization. The view that there was no such necessity has found almost universal acceptance<sup>23</sup>, but it should be pointed out that there is some slight indication of necessity in the speech of Postumius, consul in 186 B. C., on the occasion of the suppression of the Bacchanals<sup>24</sup>. But that evidence is not sufficient to warrant such an assumption, for Postumius was not speaking of the meetings of such organizations as these. It seems clear, therefore, that any club could be formed without seeking State recognition, nor was its existence illegal, until made so by positive enactment on the subject.

The first restrictive enactment was a senatus consultum passed in 64 B. C. This bill is mentioned explicitly twice by Asconius. In one passage he speaks of the rise of factiones about the time when Cicero delivered his speech for Cornelius, in the year 65, saying that afterward the unions were abolished, except a few collegia, such as those of artisans, which were felt to be useful to the State<sup>25</sup>. In the other passage he adds that the Ludi Compitalicii were abolished at the same time. This took place in the consulship of L. Iulius Caesar and C. Marius Figulus. But the collegia were

restored by a law of Clodius at the end of 59 B. C.<sup>26</sup>. Here a difficulty arises, for Asconius says that the collegia were restored by Clodius nine years after their abolition by the Senate. If this is true, the enactment of the Senate must be dated in 68 B. C., and the names of the consuls must be changed to L. Caecilius Metellus and Q. Marcus Rex in the note of Asconius<sup>27</sup>, as well as in the text of Cicero<sup>28</sup>. But that would conflict with the statement of Asconius that the collegia were springing into great prominence in the year 65, which would be only three years after the enactment for their suppression, so that it would be much better to change *nove* to *quinq* in the text of Asconius than to make the greater change in the names of the consuls, and at the same time to convict Asconius of a serious contradiction in his two statements.

It is not easy to decide upon the extent to which the Senate wished its measure to apply to the various organizations. Asconius says that the Ludi Compitalicii were abolished. This was clearly no part of an enactment directed against collegia explicitly and by name, but it implies that these games had been used by ambitious politicians as an occasion for canvassing for votes, or seeking to extend their influence. They may also have given an opportunity for violence in the streets. For these reasons the Senate would feel it necessary to abolish them<sup>29</sup>. But the language of Asconius indicates rather definitely that all collegia, with a very few exceptions, were abolished. In order to understand this it is necessary to endeavor to find an acceptable definition for the word collegium, and that is difficult, for the word does not seem to have been very clearly defined by the Romans themselves at this time. Asconius says that many organizations had arisen 'without public authorization', but evidently he is using an expression applicable to his own day rather than to the Republican period, for in the Imperial times it was necessary to secure authorization in order to render the existence of the organizations legal<sup>30</sup>. Upon the basis of this statement, Dirksen claims that collegia in the statement of Asconius means *collegia illicita*, but that cannot possibly be correct unless we should assume that authorization was necessary during the Republic. Zumpt is of the opinion that the word was intended to include only political clubs, but that is much too narrow, for it implies that it must be proved that a club, established ostensibly for other purposes, had participated unduly

<sup>22</sup>Deel. in Cat. 10: primum XII tab. caustum esse cognoscimus, ne qui in urbe coetus nocturnos agitaret, deinde lege Gabini promulgatum, que coitiones ullam clandestinas in urbe conflaverit, more maiorum capitali supplicio multetur.

<sup>23</sup>E. g. by Mommsen, Coll. 36; Liebenam, 17; Waltzing, 1.79; etc.

<sup>24</sup>Livy 39.15: Maiores vestri ne vos quidem, nisi cum aut vexillo in arce positio comitiorum causa exercitus eductus esset . . . forte temere coire voluerunt; et ubinunque multitudo esset, ibi et legitimum rectorem multitudinis censebant debere esse. — Cohn, 35, accepts this as sufficient evidence.

<sup>25</sup>Asconius in Cornel. p. 75: postea collegia senatus consulta et pluribus legibus sunt sublata praeter pauca atque quae utilitas civitatis desiderasset quasi ut fabrorum fectorumque (Stangl reads *fictorumque*).

<sup>26</sup>Asconius in Pison. 6-7: L. Iulio C. Marcio consulibus, quos et ipse Cicero supra memoravit, senatus consulta collegia sublata sunt quae adversus rem publicam videbantur esse . . . Solebant autem magistri collegiorum ludos facere, sicut magistri vicorum faciebant, Compitalicis praetextati, qui ludi sublati collegis discussi sunt. Post novem deinde annos quam sublata erant P. Clodius tribunus plebis lege lata restituit collegia. Compare Dio Cassius, 38.13.

<sup>27</sup>This is done by Cohn, 40, 51-55; Pernice, 301; and Gaudenzi, Sui collegi degli artigiani in Roma (Archivio Giuridico, 1884, 37.38).

<sup>28</sup>In Pis. 8.

<sup>29</sup>Waltzing, 1.93; Mommsen, Staatsr., 3.1181, Anm. 1; Willems, Sénat, 2.115, nn. 1, 4, 116, 326.

<sup>30</sup>Ulpian in Digest 47.22.2: Quisquis illicitum collegium usurpaverit, ea poena tenetur, qua tenentur, qui hominibus armatis loca publica vel tempia occupasse iudicati sunt.

in political affairs, before its abolition could legally be effected. But it is impossible to believe that the Senate undertook such a stupendous task as the investigation of the conditions existing in each organization. Had it done so, we should have much information in ancient writers on a matter of so great importance. A third explanation, offered by Cohn, is that the word *collegium* means a legal club, formed for religious purposes, and that the *collegia* abolished at this time were those that had previously received authorization. But this also becomes impossible in view of the fact that no authorization was required for any of them. On the whole, it seems best to adopt the broadest definition of the word, and to hold with Waltzing that the associations suppressed by the Senate all bore the name of *collegia*, that many of them were old, that all were animated by factional tendencies, that they had many different forms, but that it was not intended to include the *collegia* of the priests or of the *Capitolini*, or certain associations of artisans. This definition of the word covers *sodalitates* and the political clubs, which masqueraded under the more dignified title of *collegia*, although the Romans would not normally expect to give that name to these temporary organizations. This is the conclusion reached also by Liebenam.

The senatorial decree was probably obeyed for four or five years; at any rate nothing is said about the associations, either favorable or unfavorable, until the year 59. In this year Piso was elected consul for 58, and granted permission for the celebration of the *Ludi Compitalicii* on January 1, 58<sup>31</sup>. He was clearly under the influence of Clodius and other demagogues in giving his consent to this violation of the law. One of the first things done by Clodius after his assumption of the tribuneship on December 10, 58, was to legalize the existence of clubs, by carrying a measure recognizing those already formed, and permitting the formation of many new ones. Indeed he seems to have participated actively in creating them, and especially the *collegia compitalicia*, or neighborhood clubs<sup>32</sup>. Asconius tells us that immediately there arose much greater political activity among the lowest classes<sup>33</sup>. The *sodalicia* became more numerous than ever before, and were a serious menace to the orderly conduct of public business<sup>34</sup>. It is a curious fact that nothing further is said of the *sodalicia* during the next two years. It is scarcely possible that they were inactive, but they may have been particularly on guard against the crisis which everybody foresaw must soon come. The later references to them all relate to their activity during the year of the tribuneship of Clodius. Nevertheless they were probably active as usual in these years, but by accident we do not happen to hear of them. This alone will explain the fact that the

Senate found it necessary in 56 to pass a resolution restrictive in its nature. Clodius had permitted the existence of all *collegia*; the Senate prohibited those whose members were enrolled into *decuries*, that is to say, the Senate took the point of view that these unions were a menace in proportion to their degree of organization. Cicero complains that Clodius enrolled slaves into *sodalitates*<sup>35</sup>; that was probably forbidden by the decree of the Senate, or at least unions must have been prohibited which were composed of a mixture of slaves and freemen.

(To be continued)

DARTMOUTH COLLEGE.

R. W. HUSBAND.

## REVIEWS

Introduction to Latin. By John Copeland Kirtland and George Benjamin Rogers. New York: The Macmillan Company (1914). Pp. xvi + 261. \$8.5.

This book, like nearly all contemporaneous beginners' books, is a modification of the old 'grammatical method', first, in that the amount of grammatical material to be learned is greatly reduced, and, secondly, in the way in which this material is administered, namely, in small 'doses' and with graded exercises in reading and writing Latin as an accompaniment of each dose. The authors are more radical in their treatment of syntax, which is taught not by rules, but only in the form of explanations *following* the Latin-English exercises, because the authors believe that "syntax can be firmly grasped only through reading". However, Rules of Syntax are given in the back of the book for those who wish them.

One might expect that the same order would be followed in presenting the facts of grammar, and for the same reason. On the contrary paradigms are given for the most part only in the *Conspicetus of Inflections* at the back of the book, because the authors believe that a presentation in detached groups "separates forms that properly go together, and make less effective use of the principle of association". Their practice, therefore, is to refer the pupil to this *Conspicetus* for any set of forms which are to be learned and used in a given lesson. Some slight modification of this plan, however, evidently seemed necessary, for in the first lesson there is given the present indicative active of *amo* with English meaning, which, with eight verbs of the same conjugation given in the lesson vocabulary, the pupils are asked to learn to inflect, before they come to the Latin exercises consisting of isolated verb forms and a few unconnected sentences. In this and the next lesson no declensions are given and only the nominatives (singular and plural) of several first declension nouns are used. The first declension model *sagitta*, with meanings, is given in complete form in Lesson III. The use of the genitive is first found in Lesson VI, that of the dative in VII. Again, the

<sup>31</sup>Cicero, In Pis. 8. <sup>32</sup>Dio Cassius, 38.13.

<sup>33</sup>Asconius in Pison, 8.

<sup>34</sup>Cicero, Sest. 34, 53; De Domo 13, 54; Pis. 11, 23; Post Red. in Sen. 33.

<sup>35</sup>Post Red. in Sen. 33: servos simulatione collegiorum nominatum esse conscriptos.

present indicative passive of *amo* is given in Lesson IV and the complete declension of *murus* and *bellum* is given in Lesson VIII.

I have written thus in detail about these first lessons, because the first distinguishing feature of any one of the many beginners' books of this piece-meal grammar-translation type is the *size* of the pieces and the *order* in which the author has chosen to present them. Between the old-fashioned 'grammar-first' method and the older-fashioned *and* new-fashioned 'reading-or-speaking-first' method lie endless possibilities; hence, the almost endless number of text-books for beginners, some of them good, some of them better, each with special devices which its author has found helpful, but all of them after all very much alike.

Like other books of this type, the vocabulary of some seven hundred words is made up largely of the words occurring most frequently in Caesar. Like many other books, this work contains, beginning at Lesson XVIII, several passages of narrative Latin, taken or adapted from Eutropius, Nepos's Hannibal, or Caesar's Helvetic War. Like some few others, it gives English derivatives in the vocabularies.

There are some things commonly contained in books of this sort which have been intentionally omitted. One of these is a summary review of English grammar. There are no *colloquia* or other signs of a leaning toward the Direct Method. The authors even say in so many words that the inflections and the vocabulary of each lesson should be assigned first, and that the reading and the writing should be taken up later.

The authors are to be commended for adopting the terminology recommended by the Joint Committee on Grammatical Nomenclature, and approved by the National Education Association. However, they keep the traditional order of cases in the paradigms.

The usual subjunctive uses are included, beginning with the clause of purpose (XXXVII). The use of the infinitive in indirect statements is taken up rather late in the book (LIV), after the treatment of the subjunctive in indirect questions (XLVII). The uses of the cases are very fully given, except for the genitive, of which only one use is named (description), on the theory that the translation of the form generally tells all that the student needs to know at this early stage.

The material of the book is divided into seventy-two Lessons. The illustrations are good, many of them being full-page reproductions of portrait busts. It goes without saying that the mechanical features of the book are all that could be desired.

THE SCHOOL OF EDUCATION,  
UNIVERSITY OF CHICAGO.

W. L. CARR.

*Studies in Ennius.* By Eleanor Shipley Duckett.  
Bryn Mawr Dissertation. (1915).

Dr. Duckett has conducted her examination after the most approved methods, and, while the unimaginative realist will be unable to accept her conclusions

as beyond question, he will find few flaws in her reasoning and must perforce admit the probability of her contentions. As a dissertation for the degree of Ph.D. it has the merit of being of reasonable compass, while calling at the same time for the mastery of a goodly amount of literature and a due proportion of independent thinking.

The monograph consists of two chapters of unequal length. The first and longer raises the question of The Place of Ennius among Writers of History. The discussion of this question involves a study of the previous annalists and a comparison of their methods with those of Ennius, with due allowance for the effects of a change from prose to poetry. The influence of Homer upon Ennius is also examined and that of Ennius himself upon the later writers of history.

The very scanty remains of the Roman *fabulae praetextae* are subjected to a thorough and ingenious scrutiny, to determine whether the legends of early Rome may be traced to that source, as some have assumed. The conclusion is that there is no evidence for such a connection in the case of Naevius, Ennius, and Pacuvius, although the Brutus and the Decius of Accius may have had some influence upon historical narrative. The existence of other *praetextae* than those to which we have direct testimony has not been proved.

The methods of the early Roman annalists are then examined, with especial attention to the question of their accuracy. Fabius and his immediate successors are shown not to have imitated the Greek novelistic historians whose methods appealed to the later and less critical generation of annalistic writers. A detailed study of the Annales of Ennius shows that he recounted the legends of the regal period in full, but merely as legends; that for the semi-historical period of the early Republic he emulated the brevity and the exactness of the Annales Maximi, rejecting hearsay and family legends; and that his account of the historical period was full and accurate. He was influenced by Homer merely in the form of his work, not in its content. As a result of his gift for character drawing and vivid narration he doubtless stamped his individuality upon many descriptions of persons and events. His influence upon the writers of the first century was "unobtrusive but pervading"; which is good.

In the second chapter the question taken up is that of the part played by the Roman chorus in speech or song within the action of the drama. The theory of Professor Capps, that "the external characteristics of the Greek tragic chorus, and, to a certain extent, its inner relations to the drama, remained unimpaired from the fifth century down to the first" is shown to be preferable to the contrary view of Leo. Dr. Duckett finds in this feature of the tragedies of Ennius a reaction from the Hellenistic tradition, which was carried forward by Pacuvius and Accius and restored the chorus to its former position of importance, although the Romans did not attempt to imitate the intricate metrical composition of the Greek choral lyric.

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### CIRCUMSTANTIAL-TEMPORAL CUM-CLAUSES

There seems to be some misunderstanding regarding the article, *Where the Latin Grammar Fails*, which appeared in THE CLASSICAL WEEKLY 9. 153-157. Its chief thesis was that the statements of principles of syntax in the Grammars often fail to meet the needs of students who are attempting to *write* Latin.

A striking illustration was found in the treatment of circumstantial and temporal *cum*-clauses of the past. Most students of Latin composition have great difficulty in applying the rule provided by the Grammar because they do not really understand what is meant by 'circumstantial' as contrasted with 'temporal'. As a matter of fact many instantly classify as temporal any clause introduced by the word *when*.

Not only do the students thus wrest the rule to their own destruction; it is more than doubtful whether the Grammars themselves are correct in attempting to draw a hard and fast modal line between circumstantial and purely temporal clauses. There is evidence in abundance that the subjunctive had penetrated, particularly in the writings of Caesar, far into the purely temporal *cum*-clause. In Cicero, too, there are plenty of such cases; e.g.

Cat. 3. 6: *ipsi comprehensi ad me, cum iam dilucesceret, dederuntur.*

Tusc. Disp. 2. 34: *Spartae vero pueri ad aram sic verberibus accipiuntur, ut . . . sanguis exeat, nonnumquam etiam, ut, cum ibi essem, audiebam, ad necem.*

Under these circumstances some teachers may be willing to worry along with the Grammar rule as it stands, on the ground that it rests upon a plausible theory as to the spread of the use of the subjunctive mood in the *cum*-clause, historically considered, and that it 'explains' the use of the mood.

On the other hand, it may be remembered that not every rule in the Grammar *explains*; some rules merely state facts. And, for the teaching of Latin composition, a *mere rule of thumb* that is workable is better than a rule that professes to explain, but which really confuses. Thus the old-fashioned statement that *cum*-temporal (i.e. circumstantial-temporal) introduces the imperfect and pluperfect subjunctive and the indicative of other tenses—qualified by the exception that repeated action calls for the indicative—describes the situation very well, at least as far as a second year student needs to know it<sup>1</sup>; and the great majority of our students do not carry the work beyond the second year.

Mr. Byrne's Syntax of High School Latin shows that in De Bello Gallico 1-4 Caesar uses past tenses 134 times in circumstantial-temporal clauses introduced

<sup>1</sup>I venture to think that Professor Nutting's own statement is not as clear as it might be. One of the tenses other than the imperfect and the pluperfect is the perfect, is it not? Does not Professor Nutting's statement leave open the possibility of using the perfect indicative in a *cum*-clause? How, then, does his rule really help? Just *when* is the perfect indicative to be used in such a clause rather than the imperfect subjunctive or the pluperfect subjunctive?

If what is wanted is a "rule of thumb" that will really work, then why not put the matter as follows?

In *cum*-clauses that lie in the past sphere, use the imperfect or the pluperfect subjunctive always (with emphasis on the pluperfect subjunctive).

The application of this rule will now and then lead to errors, but seldom after all. Certainly, the Latin written under this "rule of thumb" will be far better than the Latin now written by many in accordance with the statements that obtain in our Grammars.

There is, to be sure, a very important question involved in all this—how far it is wise, particularly for those who believe in the disciplinary value of Latin or in the value of the study of Latin as a means of getting better control of English, to encourage the use of a "mere rule of thumb", and by so much to discourage thinking, or to render it unnecessary.

by *cum*. But eight indicatives in all are used. The three perfects are provided for under the old-fashioned rule. Of the four pluperfests, three come under the exception for repeated action (B.G. 3. 14, 4.17 bis); and the fourth (B.G. 3. 15) is also a case of repeated action, but with the variant reading *circumsisterent*. The old-fashioned rule then, with its exception for repeated action, gives simple and explicit directions that cover 132 (perhaps 133) of the 134 cases of past tenses in circumstantial-temporal *cum*-clauses in the De Bello Gallico 1-4.

UNIVERSITY OF CALIFORNIA.

H. C. NUTTING.

### THE NEW YORK LATIN CLUB

The forty-eighth regular (sixteenth annual) meeting of The New York Latin Club was held Saturday, April 29, at Hunter College, with an attendance of one hundred and thirty.

Professor Andrew F. West, Dean of Princeton University, spoke on the Teaching of Latin. He declared that the teacher of Latin had two problems to face, the one, external, the commercial spirit of the age, the other, internal, the matter of method, and the lack of time. In regard to the first, he said that the present revolt against classical studies was merely a part of the general revolt against disciplining the mind, which has grown out of the making of studies elective. This is not a departure *in* education but *from* education. He urged all who believe in the Classics to rally and take the offensive in order that the country may be safe-guarded against illiteracy. In regard to the second point, Professor West's remedy is to begin Latin earlier, but not with Caesar and Cicero, and in place of the four year course to substitute a six year course. The child should get his first impression of Latin at the age of ten or twelve, through *hearing*; this should be reenforced by *writing* and *seeing*. The subject-matter should be agreeable to the consciousness of a child, about familiar things and acts of common life. The vocabulary can be obtained from Plautus, Terence, Cicero's Letters, and particularly from the sermons of St. Augustine. In this way a Latin consciousness can be developed and the way paved gradually for the greatest of all difficulties in Latin, the periodic structure.

Dr. W. F. Tibbets, the Treasurer, reported that the Latin Scholarship Fund amounts to \$5558, and the Greek Scholarship Fund to \$2600. This year, the Greek prize will be \$100, but, as soon as the Fund reaches \$5000, the annual award, like the Latin prize, will be \$250.

The officers for 1916-1917 are: President, Professor G. M. Whicher, of Hunter College; Vice-President, Professor W. E. Waters, of New York University; Secretary, Mr. M. F. Lawton, of Bay Ridge High School; Treasurer, Dr. W. F. Tibbets, of Curtis High School; and Censor, Miss J. G. Carter, of Hunter College.

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Of THE CLASSICAL WEEKLY published weekly from October 1 to May 31 in each year except weeks in which there is a legal or a school holiday at New York, N. Y. for October 1, 1916.

STATE OF NEW YORK }  
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Before me a notary public in and for the State and county aforesaid, personally appeared Charles Knapp, who, having been duly sworn according to law, deposes and says that he is the Managing Editor of THE CLASSICAL WEEKLY and that the following is, to the best of his knowledge and belief, a true statement of the ownership, management (and if a daily paper, the circulation), etc., of the aforesaid publication for the date shown in the above caption, required by the Act of August 24, 1912, embodied in section 443, Postal Laws and Regulations, printed on the reverse of this form, to wit:

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CHARLES KNAPP, Managing Editor.

Sworn to and subscribed before me this 16th day of September, 1916.

[SEAL]. CASSIUS D. HICKS, Notary Public.  
Form 3526. (My commission expires March 31, 1917)

## THE CLASSICAL ASSOCIATION OF THE ATLANTIC STATES

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